

**REMARKS**

### Status of the Claims

Claims 57-60, 62, 63, and 65-71 are now pending in the present application. No amendments to the claims are presented herein.

## Secondary Considerations Raised to Traverse the Rejections under 35 U.S.C. § 103

The claims in the pending application have been rejected as being obvious over various combinations of prior art.

As indicated in MPEP § 2141, objective evidence of secondary considerations, such as unexpected results, commercial success, long felt need, failure of others to solve that need, copying by others, licensing, and skepticism of experts regarding an available solution to the problem are relevant to the issue of obviousness and must be considered in every case in which they are present. When evidence of any of these secondary considerations is submitted, the Examiner must evaluate the evidence.

Submitted concurrently herewith is a Declaration by Jerry Brownstein that provides objective evidence that the present invention is a commercial success. Jerry Brownstein's Declaration provides evidence that the recycled fiber absorbent, whose manufacture is described and claimed in the pending application, has received both international and regional acclaim.

The recycled fiber absorbent was selected as the international winner in the water category of the ENERGY GLOBE AWARD, which recognizes products that are both functional and exhibit desirable environmental characteristics. The emphasis of the ENERGY GLOBE AWARD is to promote environmental sustainability by recognizing products which utilize recycled materials, alternative energy sources, or other exhibit beneficial environmental characteristics. This is a prestigious award.

The recycled fiber absorbent was also publicly recognized by the Governor of the State of Washington, both for receiving the international ENERGY GLOBE AWARD, and for successfully cleaning a large and much publicized diesel spill at a well-known ski resort in the State of Washington.

This evidence indicates that the recycled fiber absorbent, whose manufacture is described and claimed in the pending application, has met with considerable commercial success both in the international and regional marketplace. If the manufacture of such a recycled fiber absorbent was

1 truly obvious, then logically some textile expert should have brought such a product to the  
2 marketplace before applicants developed the manufacturing process required to achieve such a  
3 recycled fiber absorbent. The fact that no other artisan of ordinary skill developed such a  
4 manufacturing process, and that applicants' process has met with such a resounding commercial  
5 success, should provide sufficient evidence of secondary considerations to obviate the obviousness  
6 rejection raised by the Examiner.

7 Applicants therefore respectfully request the Examiner to withdraw the obviousness  
8 rejections, and allow the case to issue. If there are any questions that might be addressed by a  
9 telephone interview, the Examiner is invited to telephone applicants' undersigned attorney, at the  
10 number listed below.

11 Respectfully submitted,

12  
13  
14 /mike king/  
15 Michael C. King  
16 Registration No. 44,832  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

MCK/RMA:elm